



## Senate

General Assembly

January Session, 2007

**File No. 594**

Senate Bill No. 1372

*Senate, April 26, 2007*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT CONCERNING THE PENALTY FOR STALKING A PROSECUTOR.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-181c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) A person is guilty of stalking in the first degree when [he] such  
4 person commits stalking in the second degree as provided in section  
5 53a-181d and (1) [he] such person has previously been convicted of this  
6 section or section 53a-181d, [or] (2) such conduct violates a court order  
7 in effect at the time of the offense, [or] (3) the other person is under  
8 sixteen years of age, or (4) the other person is being stalked on account  
9 of the performance by such other person of such other person's duties  
10 as a prosecutor employed by the Division of Criminal Justice.

11 (b) Stalking in the first degree is a class D felony.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2007</i>	53a-181c
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**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal
Judicial Department (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill increases the criminal penalty for stalking a prosecutor. To the extent that the bill increases the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. Few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state approximately \$2,500 annually to supervise an offender on probation in the community as compared to \$41,600 to incarcerate an offender. Since relatively few offenses are anticipated under the bill, the annual, marginal cost is minimal.

#### **The Out Years**

The annualized ongoing cost identified above would continue into the future subject to inflation. Potential revenues from criminal fines under the bill would remain relatively constant into the future since the fines are set by statute.

**OLR Bill Analysis****SB 1372*****AN ACT CONCERNING THE PENALTY FOR STALKING A PROSECUTOR.*****SUMMARY:**

This bill makes it a Class D felony, rather than a Class A misdemeanor, to intentionally stalk a prosecutor. The crime is committed when the actor willfully and repeatedly follows or lies in wait for a prosecutor intending to cause the prosecutor to reasonably fear for his or her physical safety.

This crime is currently covered by the general 2<sup>nd</sup> degree stalking statute, which carries a penalty of imprisonment for up to one year, a fine of up to \$2,000, or both. The bill makes it 1<sup>st</sup> degree stalking, punishable by imprisonment for up to five years, a fine of up to \$5,000, or both.

The 1<sup>st</sup> degree stalking law currently covers 2<sup>nd</sup> degree stalking offenses where the (1) victim is under age 16, (2) action violates a court order, or (3) the offender has a prior 1<sup>st</sup> or 2<sup>nd</sup> degree stalking conviction.

EFFECTIVE DATE: October 1, 2007

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/12/2007)